

EXHIBIT A

FILED
1/12/11 @ 1:33pm
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By L. Nixon
L. Nixon, Deputy

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Peripheral Vascular, Inc.

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

KATRINA NEWTON, *et al.*,

Plaintiffs,

v.

C. R. BARD, INC., *et al.*,

Defendants.

No. CV2009-019232

**CONSENT ORDER REGARDING
THE PRODUCTION OF
ELECTRONICALLY-STORED
INFORMATION**

Assigned to the Hon. Edward Burke

The parties in this action have previously had a discovery dispute as to the scope of the electronically-stored information that should be produced by the defendants, C. R. Bard, Inc. ("Bard") and Bard Peripheral Vascular, Inc. ("BPV"). Following the filing of a motion to compel by the plaintiffs, this court instructed the defendants to provide the plaintiffs with an index of the electronic files that were captured during the initial sweep of electronic data conducted by Bard and BPV in late 2004 and early 2005.

Following the receipt of that index, the plaintiffs identified those files on that index they wanted searched, and the parties agreed upon a list of search terms to be

1 applied to the files. Bard and BPV have now completed the production of those
2 documents within the parameters agreed upon by the parties.

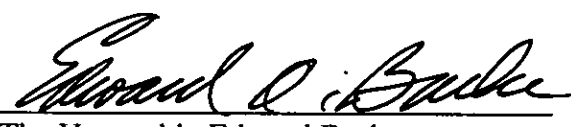
3 The parties have now discussed the scope of a supplemental production of
4 electronically-stored information, generated by the defendants after 2004. With the
5 consent of the parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 6 (1) Bard and BPV will search the electronically-stored information obtained from
7 the custodians listed in Exhibit "A" of this Order;
8 (2) Bard and BPV will search those files utilizing the search terms listed in
9 Exhibit "B" of this Order;
10 (3) Bard and BPV will produce to the plaintiffs all relevant, non-privileged
11 materials captured by that search within a reasonable time; and
12 (4) Bard and BPV will thereafter provide the plaintiffs a log of all materials
13 captured by that search that are withheld from disclosure on a claim of
14 privilege.

15 The court having reviewed the Exhibits attached to the proposed Order and
16 determined that the parameters and scope of the search agreed upon by the parties are
17 reasonable and fairly balances the interests of the parties and justice,

18 **IT IS SO ORDERED.**

19 This 7 day of January, 2011.

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22 The Honorable Edward Burke
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28

Snell & Wilmer

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1 **CONSENTED TO BY:**

2
3 Dated: January 5, 2011

SNELL & WILMER L.L.P.

4 By: /s/ Bradley W. Petersen
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6 Bradley W. Petersen (#019943)
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9 and

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18 **ATTORNEYS FOR DEFENDANTS**

19 Dated: January 5, 2011

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EXHIBIT A

POTENTIAL CUSTODIANS FOR SECOND FILTER SWEEP

1. Rob Carr (R&D)
2. Andre' Chandusko (R&D)
3. Mike Randall (R&D)
4. Mickey Graves (R&D)
5. Stephanie Klocke (R&D)
6. Tracy Estrada (R&D)
7. Heather Harbison (R&D)
8. Bret Baird (Mktg)
9. Gin Schulz (Q)
10. Cindi Walcott (Q)
11. Natalie Wong (Q)
12. Brian Hutson (Q)
13. John Conaway (Q)
14. Scott Neal (Q)
15. Dannis Saltzman (Reg.)
16. Ed Fitzpatrick (Manu.)
17. Dr. David Ciavarella (Corporate)
18. Janet Hudnall (former employee/Mktg.)
19. Shari Allen (former employee/Regulatory)
20. John McDermott (former employee/Mgmt.)
21. Charlie Simpson (former employee/R&D)
22. Jason Greer (former employee/Sales)
23. Chris Ganser (Corporate)
24. Dr. James Adwers

EXHIBIT B

Filter Litigation Keywords

1. Filter*
2. Recovery
3. "Simon Nitinol"
4. G1A
5. G1*
6. G-1*
7. G2
8. G2X
9. G2 Express
10. Eclipse
11. RF
12. RNF
13. SNF
14. "vena cava"
15. IVC
16. Fracture*
17. Migrat*
18. Tilt*
19. Perforat*
20. Detach* AND (limb or strut)
21. Electropolish*
22. Electro-polish*
23. EVEREST
24. "Deep venous thrombosis"
25. DVT
26. Embol*
27. Nitinol